

IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION NO. 8323 OF 2007

-
Dated : JUNE 5, 2007

Between:

Smt. M.Lakshmikantham

Petitioner

AND

The Director of Mines & Geology,
8th Floor, BRKR Buildings, Hyderabad and others

Respondents

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION NO. 8323 OF 2007

-
ORAL ORDER:

The petitioner's husband was granted lease for
quarrying minor minerals viz., road metal and billost in

Sy. No. 144 of Ramadaspet village of Rajahmundry, East Godavari district, which is valid upto 16.06.2012.

Though the husband of the petitioner died on 13.05.2006, on a request made by the petitioner, she was permitted by the Assistant Director of Mines and Geology, Rajahmundry, by proceedings dated 23.8.2006, to quarry the road metal on the land in question during the un-expired period of lease. It is stated that pursuant thereto, the petitioner has been carrying on quarrying operations. However, inspite of repeated representations made by the petitioner, the fourth respondent stopped granting permits for transporting the metal already mined from March, 2007 onwards. Hence, this writ petition seeking a declaration that the action of the respondent in not granting despatch permits for transportation of the metal from the leased area is arbitrary and illegal.

The learned Government Pleader for Mines and Geology, who accepted notice for the respondents, though did not dispute the fact that lease in question is subsisting, submitted under instructions that since the leased area is situated in the midst of residential

houses, it is not in the interest of public to allow the petitioner to continue the quarrying the metal involving blasting operations.

However, the learned counsel for the petitioner represented that the petitioner will not take up any mining operations and what is required is only permission for transporting the metal, which is already mined and lying in the leased area.

Having regard to the facts and circumstances, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider the request of the petitioner and issue dispatch permits forthwith in accordance with law for transporting the metal already mined by the petitioner and lying in the leased area in Sy. No. 144 of Ramadaspet village of Rajahmundry, East Godavari district.

This shall not preclude the respondents from passing appropriate orders with regard to further mining operations in the land in question following due process of law.

JUSTICE G. ROHINI

JUNE 5, 2007

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